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## **NORTH HERO DEVELOPMENT REVIEW BOARD**

### **Rules of Procedure and Conflict of Interest Policy**

#### **A. Authority**

The Development Review Board of the Town of North Hero hereby adopts the following rules of procedure (hereinafter referred to as these Rules) in accordance with 24 V.S.A. § 4461(a) and 1 V.S.A. § 312(e), (f), and (h).

#### **B. Policy**

These Rules are adopted to ensure consistent and fair treatment of applicants, interested persons, and participants, orderly and efficient public proceedings, and compliance with state and federal law. These Rules shall also ensure that no board member will gain a personal or financial advantage from his or her work for the board, and so that the public trust in municipal government will be preserved.

#### **C. Definitions**

1. **Board**

The Development Review Board, hereinafter referred to as DRB

2. **Board member**

A regular or alternate member of the Development Review Board

3. **Conflict of interest**

a. A direct or indirect personal or financial interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the Development Review Board.

d. A situation where a board member has not disclosed ex parte communications with a party in a proceeding before the board, pursuant to Section K of these Rules.

4. **Deliberative session**

A private session of the board to weigh, examine, and discuss the reasons for and against an act or decision, from which the public is excluded. There shall be no taking of evidence nor submission of testimony, nor shall a deliberative session be publicly noticed. The board may enter deliberative session by

majority vote, and shall be deemed to be in deliberative session from the close of the final public hearing until the issuance of a written decision

**5. Executive session**

A session of a public body from which the public is excluded, pursuant to 1 V.S.A. § 313. (Refer to Appendix C) Such private session may only be held for one of the reasons permitted by the statute, and no binding action may be taken in executive session

**6. Official act or action**

Any legislative, administrative or quasi-judicial act performed by any board member

**7. Quasi-judicial proceedings**

- a. A contested case under the Vermont Administrative Procedure Act; or
- b. A case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority. 1 V.S.A. § 313 (5)

**8. Public deliberations**

The weighing, examining, and discussing, in a public proceeding, the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties

**9. Recuse**

To remove oneself from a particular board proceeding because of a real or perceived conflict of interest

## **D. Regular Officers**

The Development Review Board shall consist of seven regular members, and up to two alternates. At various times throughout the year, as needed, the Development Review Board shall hold an organizational meeting and elect by majority vote a Chair, Vice Chair and Secretary.

**1. Chair**

The Chair shall preside at all meetings, hearings, and deliberative sessions, decide all points of order or procedure, and appoint members to any committee of the board. The Chair may administer oaths and may request the attendance of witnesses and the production of material germane to any issue under consideration.

**2. Vice Chair**

The Vice Chair shall assume the duties of the Chair whenever the Chair is absent, or at the Chair's request.

**3. Secretary**

The Secretary shall be responsible for the writing of the decisions and for the presentation of all documents to the development Review Board for approval, including Findings of Fact and Conclusions of Law. The Secretary is responsible for the submission of those documents to the Clerk for issuance to interested parties and for recording.

The Secretary shall assume the duties of the Chair whenever the Chair and Vice Chair are absent, or at the Chair's request.

**4. Clerk**

The clerk shall take minutes or transcribe recorded minutes of all meetings, as well as filing and circulating same. The clerk shall also issue the decisions of the Board and maintain Board Records, including preparation of the agenda and circulating it to all Board Members prior to each hearing, assembling and making available all hearing documents, preparing and posting warnings for all hearings, issuing the Decisions to all necessary parties as per North Hero Zoning Regulations, making Mylars available to Board Chair at meetings for the purpose of signature, and recording Decision in the Memorandum of Municipal Action (MMA) as per Town Recording procedures.

5. It shall be the duty of all members to review the minutes and other official records of Development Review Board meetings and actions, and correct and ratify these when appropriate and necessary.

**E. Alternate Members**

The Select Board shall annually, or as needed, appoint up to two alternates who may temporarily serve as Development Review Board members in the event of a recusal or absence of one or more members.

1. An alphabetical roster of all alternate members shall be kept by the Development Review Board. The assignment of alternates for active duty will begin with the first alternate in alphabetical order and rotate through the list until all alternates have served and rotation will be repeated.
2. Whenever a regular member has a conflict of interest or is expected to be on extended absence from the Development Review Board, the chairperson of the Development Review Board, or his or her designee, shall appoint an alternate to serve as an active member of the Development Review Board by selecting an individual from the roster as provided in paragraph E 1.

3. If the chairperson of the Development Review Board does not appoint an alternate as required under paragraph E 2. a majority of the members of the Development Review Board present and voting may appoint an alternate to serve in accordance with paragraph E 2.
4. An alternate member who is called upon to serve shall be required to be a part of the Development Review Board until a final decision is made on any application heard by the Development Review Board while serving as an active member. Participation includes attending deliberative sessions and any continuance of a public hearing if the application has been tabled or recessed to another date.

## **F. Regular and Special Meetings**

Regular meetings shall be held in the North Hero Town Office at 7 p.m. on the third Thursday of the month, or as otherwise warned. The Chair may cancel meetings at any time.

1. Special meetings may be called by the Chair, provided at least 24 hours notice is given to each member and the time and place of each special meeting is publicly announced at least 24 hours before the meeting.
2. A quorum shall consist of a majority of the entire board. In order to maintain a quorum board members are required to notify the Chair at least 72 hours prior to the scheduled meeting if they are unable to attend.
3. Members may participate by electronic means as long as the absent member can hear everything that is occurring at the meeting and everyone present at the meeting can hear the board member.
4. All meetings shall be open to the public unless the board has entered a deliberative or executive session. The board may only hold an executive session pursuant to the reasons permitted by 1 V.S.A. § 313 (Refer to Appendix C), and only after a majority vote to so enter executive session.
5. There shall be an agenda for each meeting, with time allotted for each item or group of items to be considered. Those who wish to be added to the agenda shall contact the Clerk to arrange for a convenient time. The Chair shall determine the content of the agenda after consultation with the Clerk.
6. All business shall be conducted in the same order as it appears on the agenda. As the first order of business the Chair may alter the order of items to be considered and/or the time allotted.
7. The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.S.A. § 312(h).

8. Notice for hearings on the adoption, amendment, or repeal of the bylaw and other regulatory tools shall be pursuant to 24 V.S.A. § 4444, as amended.

## **G. Public Hearings and Order of Business**

Public hearings shall be conducted as quasi-judicial proceedings pursuant to 1 V.S.A. § 310(5)(B). Hearings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2), as amended. Hearings shall not exceed three hours in length unless approved by a majority of members present. Participation at hearings shall be limited to the applicant and to those granted interested person status.

The Chair shall conduct the hearing in the following manner:

1. Open the hearing by reading the warning of the hearing.
2. Review the order of events, remind all present that the proceeding will be conducted in an orderly manner, and make copies of these Rules available.
3. Request disclosure of conflicts of interest and ex parte communications.
4. Review the definition of interested persons in 24 V.S.A. § 4465(b).
5. Explain that, pursuant to 24 V.S.A. § 4471(a), only an interested person who has participated in this proceeding may make an appeal of any decision issued in this proceeding.
6. Ask all who believe they meet the definition of interested person to identify themselves, demonstrate why they qualify for interested person status, and to provide contact information.
7. The board may grant or deny interested person status, subject to the definitions established by 24 V.S.A. § 4465(b). (*Refer to Appendix D*) The board may hold a short deliberative session to consider interested person status, and shall issue its decision immediately upon returning to open session.
8. Direct the applicant or his/her representative and all interested persons to step forward and take the following oath:

*I hereby swear that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury.*

9. Accept written information presented to the board.

10. Invite the applicant or applicant's representative to present such application or proposal.
11. Invite board members to ask questions of the applicant or applicant's representative.
12. Invite interested persons to present information regarding the application or proposal.
13. Invite the applicant, applicant's representative, or interested persons to respond to information presented.
14. Invite more questions or comments from members of the board.
15. Allow members of the public who were denied interested person status and other members of the public to make comments or ask questions regarding the application or proposal.
16. Allow final comments or questions from the applicant or applicant's representative.
17. Upon motion and majority approval, the Chair shall either recess the hearing to a time certain, or close the proceedings by stating that this is the final public hearing on the matter.
18. Upon final adjournment, the board shall be deemed to be in deliberative session until a written decision is issued.
19. Procedural questions shall be determined by Roberts Rules of Order.
20. The Board may re-open the meeting to address any additional items on the agenda.

## **H. Preliminary Reviews**

All preliminary review questions shall be directed to the zoning administrator.

## **I. Site Visits**

Site visits shall be open to the public; however, no testimony shall be taken. Site visits shall be held pursuant to the following conditions:

1. If, prior to a hearing, the Chair determines that a site visit will be necessary, the site visit may be scheduled immediately prior to a public hearing. Such

site visits shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2).

2. If necessary, the board may recess a hearing and conduct a site visit at a property which is the subject of an application before the board.
3. If necessary, the board may recess a hearing to a time certain to conduct a site visit at a property which is the subject of an application before the board.
4. The minutes of the proceeding shall reflect that a site visit was held, who was present, and the nature and duration of the site visit.

## **J. Service List**

The clerk shall create a list of individuals present at the hearing. The list shall include those who participated orally and those who participated in writing. The list shall clearly designate those who were granted or denied interested person status by the board. All decisions of the board shall be mailed to those on the list. All documents filed with the board must be submitted to interested persons on the list. Those on the list not granted interested person status shall be supplied with any decisions issued by the Development Review Board. The list shall include:

1. The names of those who participated, and the names of those who were granted or denied interested person status.
2. The nature and content of participation by anyone, whether or not granted interested person status.
3. The mailing address of each of these persons.

## **K. Decisions**

The board shall make decisions in deliberative session. Deliberative sessions are not open to the public and shall not be warned. 1 V.S.A. §§ 312(e), (f). Members of the board who have not heard all testimony or reviewed all evidence submitted for a particular application or proposal shall not participate in that proceeding. Absent board members may participate in that proceeding if they review the audiotapes of the proceedings and receive written consent of the applicant and all interested persons. The following rules shall apply to voting on decisions:

1. Motions shall be made in the affirmative.
2. The chair has the same voting rights as other members and can make motions.
3. No second shall be required for a motion to have the floor.

4. All members present are expected to vote unless they have recused themselves.
5. Abstentions are strongly discouraged and shall not count towards either the majority or the minority.
6. For a motion to pass, it must receive the concurrence of a majority of the entire board, regardless of how many are present. 1 V.S.A. § 172; 24 V.S.A. § 4461(a).
7. The board shall issue a written decision within 45 days of adjourning the final public hearing.

## **L. Conflicts of Interest**

Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

### **1. Participation**

A board member shall not participate in any official action where he or she has a conflict of interest in the matter under consideration. A board member shall not, personally or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any proceeding pending before the Development Review Board.

### **2. Disclosure**

At all hearings, the Chair shall request that board members disclose all potential conflicts of interest. When recognized by the Chair, any interested person may request disclosure of potential conflicts of interest.

Nonetheless, after disclosing a conflict or perceived conflict, if a member who believes that he or she is able to act fairly, objectively, and in the public interest, shall state the nature of the potential conflict of interest, and the reason(s) why the member believes he or she is able to act in the matter fairly, objectively, and in the public interest.

This statement shall be filed as part of the minutes of the proceeding pertaining to the matter under consideration.

### **3. Recusal**

A member may be recused or disqualified as follows:

1. A member of the Board may recuse themselves.
2. The chair may rule to recuse a member of the Board.

3. The applicant or any interested party to the proceeding may petition the Board to recuse any member because of such interest. Such request shall not constitute a requirement that the member recuse him or herself.

A board member who has recused him or herself from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity.

If a previously unknown conflict is discovered, the board may take evidence pertaining to the conflict, and if appropriate, recess to a short deliberative session to address the conflict.

After a recusal the board may recess the proceedings to a time certain if it is not possible to take action through the concurrence of a majority of the board. The board may then resume the proceeding when sufficient members are present.

### **M. Ex Parte Communication**

A board member shall not communicate, directly or indirectly, with any party, party's representative, party's counsel or any person interested in the outcome of a proceeding or any proceeding before the board. Any board member who inadvertently conducts ex parte communication must disclose such communication as required below.

#### **Disclosure**

At each hearing, the Chair shall request that members disclose any ex parte communications. Board members who have received written ex parte communications shall place on the record copies of all written communications received as well as all written responses to those communications. Members shall prepare a memorandum stating the substance of all oral communications received, all responses made and the identity of each person making the ex parte communication which shall become a part of the record of proceeding.

### **N. Failure to Follow the Conflict of Interest Procedures**

In cases where the conflict of interest procedures in Section K have not been followed, the board may take progressive action to discipline an offending board member. In the discipline of a member, the board shall follow these steps in order:

1. The Chair shall meet informally, in private, with the board member to discuss possible conflict of interest violation.
2. The board may meet to discuss the conduct of the board member. Executive session may be used for such discussion. 1 V.S.A. § 313(4). The board member may request that this meeting occur in public. If appropriate, the board may admonish the offending board member in private.

3. If the board decides that further action is warranted, the board may admonish the offending board member at an open meeting and reflect this action in the minutes of the meeting. The board member shall be given the opportunity to respond to the admonishment.
4. Upon majority vote, at the next board meeting, the board may request that the offending board member resign from the board.

## **O. Removal**

Upon majority vote, the board may request that the legislative body remove the accused board member from the Development Review Board. Board members may be removed for cause by the legislative body upon written charges and after public hearing. 24 V.S.A. § 4460(c).

## **P. Amendments**

These rules may be amended at any regular or special meeting by a majority vote, provided that each Development Review Board member has been presented a written copy of the proposed amendment at least 24 hours before the meeting at which the vote is taken. Only those amendments which are presented to the members prior to the meeting may be amended at that meeting.

## **APPENDIX A**

### **24 VSA § 4461. Development review procedures**

- (a) Meetings. An appropriate municipal panel shall elect its own officers and adopt rules of procedure, subject to this section and other applicable state statutes, and shall adopt rules of ethics with respect to conflicts of interest. Meetings of any appropriate municipal panel shall be held at the call of the chairperson and at such times as the panel may determine. The officers of the panel may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review. All meetings of the panel, except for deliberative and executive sessions, shall be open to the public. The panel shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the clerk of the municipality as a public record. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of the members of the panel, and any action of the panel shall be taken by the concurrence of a majority of the panel.
- (b) Information gathering and record of participation by interested persons. An appropriate municipal panel in connection with any proceeding under this chapter may examine or cause to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding, may require the attendance of any person having knowledge in the premises, may take testimony and require proof material for its information, and may administer oaths or take acknowledgment in respect of those matters. Any of the powers granted to an appropriate municipal panel by this subsection may be delegated by it to a specifically authorized agent or representative, except in situations where the municipal administrative procedure act applies. In any hearing, there shall be an opportunity for each person wishing to achieve status as an interested person under subsection 4465(b) of this title to demonstrate that the criteria set forth in that subsection are met, and the panel shall keep a written record of the name, address, and participation of each of these persons.
- (c) Expenditures for service. An appropriate municipal panel may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. All members of an appropriate municipal panel may be compensated for the performance of their duties and may be reimbursed by their municipality for necessary and reasonable expenses.

## **APPENDIX B**

### **1 VSA § 312. Right to attend meetings of public agencies**

- (a) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under section 313(a)(2) of this title. A meeting may be conducted by audio conference or other electronic means, as long as the provisions of this subchapter are met. A public body shall record by audio tape, all hearings held to provide a forum for public comment on a proposed rule, pursuant to section 840 of Title 3. The public shall have access to copies of such tapes as described in section 316 of this title.

- (b) (1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:
  - (A) All members of the public body present;
  - (B) All other active participants in the meeting;
  - (C) All motions, proposals and resolutions made, offered and considered, and what disposition is made of same; and
  - (D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.
- (2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting.
- (c) (1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution or other determining authority of the public body and this information shall be available to any person upon request.
- (2) The time, place and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.
- (3) Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
- (4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.
- (5) An editor, publisher or news director of any newspaper, radio station or television station serving the area of the state in which the public body has jurisdiction may request in writing that a public body notify the editor, publisher or news director of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.
- (d) The agenda for a regular or special meeting shall be made available to the news media or concerned persons prior to the meeting upon specific request.
- (e) Nothing in this section or in section 313 of this title shall be construed as extending to the judicial branch of the government of Vermont or of any part of the same or to the public service board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the

making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this state.

- (f) A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.
- (g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine day-to-day administrative matters that do not require action by the public body, may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.
- (h) At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.
- (i) Nothing in this section shall be construed to prohibit the parole board from meeting at correctional facilities with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.

## **APPENDIX C**

### **1 VSA § 313. Executive sessions**

- A. No public body may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, shall not be made public subject to subsection 312(b) of this title. A public body may not hold an executive session except to consider one or more of the following:
  - 1. after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage:
    - a. contracts;
    - b. labor relations agreements with employees;
    - c. arbitration or mediation;
    - d. grievances, other than tax grievances;

- e. pending or probable civil litigation or a prosecution, to which the public body is or may be a party;
  - f. confidential attorney-client communications made for the purpose of providing professional legal services to the body;
2. the negotiating or securing of real estate purchase or lease options;
  3. the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting;
  4. a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;
  5. a clear and imminent peril to the public safety;
  6. records exempt from the access to public records provisions of section 316 of this title; provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record pertains;
  7. the academic records or suspension or discipline of students;
  8. testimony from a person in a parole proceeding conducted by the Parole Board if public disclosure of the identity of the person could result in physical or other harm to the person;
  9. information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);
  10. municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.
- B. Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.
- C. The Senate and House of Representatives, in exercising the power to make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, § 8 of the Constitution.

## APPENDIX D

### TOWN OF NORTH HERO

#### RULES OF PROCEDURE INTERESTED PERSON INFORMATION SHEET

##### **Who are interested persons?**

Interested persons are those persons who, under Vermont law, have the right to appeal an act or decision made by the Town of North Hero zoning administrator or Development Review Board. Interested persons include:

- The applicant or, if the applicant does not own the subject property, the person owning title to property.
- A municipality that has a plan or bylaw at issue in an appeal, or any municipality adjoining that municipality.
- A person owning or occupying property in the immediate neighborhood of a property that is the subject of any zoning decision or act who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will violate the municipal plan or bylaw.
- Any ten persons, either voters or landowners, who, by signed petition to the Development Review Board, allege that the decision or act, if confirmed, will violate the municipal plan or bylaw. The petitioners must designate one person to serve as their representative.
- Any department and administrative subdivision of the State owning property within the municipality, and the Agency of Commerce and Community Development.

##### **Why is interested person status important?**

Though many members of the public may be interested in a zoning permit application, only statutorily-defined interested persons may appeal a decision of a zoning officer or Development Review Board. Additionally, pursuant to this Development Review Board's Rules of Procedure, only interested persons may participate in a hearing on a matter before the Development Review Board. If an interested person fails to make a timely appeal, all interested persons are bound by the officer's or Development Review Board's decision or act.

##### **Interested persons must participate in a hearing to protect their appeal rights.**

Only those interested persons who have participated in a Development Review Board proceeding may appeal a decision rendered in that proceeding to the Environmental Court. Pursuant to State statute, participation consists of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

Applicant \_\_\_\_\_  
 Date of Hearing \_\_\_\_\_

Application No. \_\_\_\_\_

**TOWN OF NORTH HERO**

Name	Address	Interested Person Status Requested?	Grounds for Interested Person Status Request	Status Granted ?	Participated in Hearing?	Evidence/Statement of Concern Offered
_____	_____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Applicant/owner <input type="checkbox"/> Municipality with plan bylaw at issue <input type="checkbox"/> Property owner in neighborhood <input type="checkbox"/> Ten-person group <input type="checkbox"/> State of Vermont	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____ _____
_____	_____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Applicant/owner <input type="checkbox"/> Municipality with plan bylaw at issue <input type="checkbox"/> Property owner in neighborhood <input type="checkbox"/> Ten-person group <input type="checkbox"/> State of Vermont	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____ _____
_____	_____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Applicant/owner <input type="checkbox"/> Municipality with plan bylaw at issue <input type="checkbox"/> Property owner in neighborhood <input type="checkbox"/> Ten-person group <input type="checkbox"/> State of Vermont	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____ _____
_____	_____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Applicant/owner <input type="checkbox"/> Municipality with plan bylaw at issue <input type="checkbox"/> Property owner in neighborhood <input type="checkbox"/> Ten-person group <input type="checkbox"/> State of Vermont	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____ _____
_____	_____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Applicant/owner <input type="checkbox"/> Municipality with plan bylaw at issue <input type="checkbox"/> Property owner in neighborhood <input type="checkbox"/> Ten-person group <input type="checkbox"/> State of Vermont	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____ _____

**INTERESTED PERSONS RECORD AND SERVICE LIST**

Under the 2004 revisions to Chapter 117, the DRB has certain administrative obligations with respect to interested persons. At any hearing, there must be an opportunity for each person wishing to achieve interested person status to demonstrate compliance with the applicable criteria. 24 V.S.A. § 4461(b). The DRB must keep a written record of the name, address and participation of each person who has sought interested person status. 24 V.S.A. § 4461(b). A copy of any decision rendered by the DRB must be mailed to every person or body appearing and having been heard by the AMP. 24 V.S.A. § 4464(b)(3). Upon receipt of notice of an appeal to the environmental court, the DRB must supply a list of interested persons to the appellant in five working days. 24 V.S.A. § 4471(c).

This Interested Persons Record and Service List is intended to be used by the Clerk, or designated staff of the DRB, to record information regarding persons who have sought interested persons status. A separate Interested Persons Record and Service List should be used for each application considered by the DRB. This Interested Persons Record and Service List can be used in conjunction with a sign in sheet.